

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
ROOM 405, STATE CAPITOL BUILDING  
February 12, 2003**

**Members Present:** Sen. D. Chris Buttars, Co-Chair  
Rep. David L. Hogue, Co-Chair  
Sen. Patrice Arent  
Sen. Michael Waddoups  
Rep. Ron Bigelow  
Rep. Scott Daniels  
Rep. James A. Dunnigan  
Rep. Eric K. Hutchings  
Rep. Bradley G. Last  
Rep. Dana C. Love

**Members Excused:** Rep. Brad King

**Staff Present:** Jonathan Ball, Fiscal Analyst  
Gary Ricks, Fiscal Analyst  
Kevin Walthers, Fiscal Analyst  
Greta Rodebush, Committee Secretary

**Visitors List:** List filed with committee minutes

Co-Chair Buttars called the meeting to order at 2:14 p.m.

**MOTION:** Rep. Last moved to approve the minutes of February 7, 2003. The motion passed unanimously with Sen. Waddoups and Rep. Love absent for the vote.

Analyst Gary Ricks noted the following handouts that had been distributed to the subcommittee members: (1) Supplemental Recommendations of the Appropriations Subcommittee for Executive Offices & Criminal Justice for the Fiscal Year Ending June 30, 2003; (2) Letter to Senator Leonard Blackham/Representative Ron Bigelow, Executive Appropriations Committee recommending intent language for the Medical Services program, Department of Corrections; and (3) Recommendations of the Appropriations Subcommittee for Executive Offices & Criminal Justice for the Fiscal Year June 30, 2004.

Analyst Gary Ricks stated that a final vote would taken on the subcommittee's recommendations for the FY 2003 Supplemental Budget and the FY 2004 Budget.

Co-Chair Buttars invited Lynne Ward, Governor's Office of Planning and Budget, and Gary Doxey, Governor's General Counsel, to address proposed intent language in the Governor's Office for the RS 2477 Rights Of Way. The issue at hand is whether or not \$150,000 from the RS 2477 Fund designated for legal services regarding other public lands issues involving the state, is appropriately placed in the Governor's Office as opposed to the Attorney General's Office.

Mr. Doxey explained the background of the RS 2477 Fund. The Governor's Office does not see the need for a change and would remain the client of the Attorney General Office; however, the Governor's Office would like to maintain a check on this fiscal expenditure. Mineral Lease funds are the source of funding for the RS 2477 Rights of Way Program.

Mark Shurtleff, Attorney General, responded to Mr. Doxey's comments and explained that the \$150,000 ought to be placed with the Attorney General as per H.B. 208, which modified the duties of the Attorney General to include pursuing legal action to further the state's policy of reducing the amount of federally owned public land in the state. The expectation had been that funding would be appropriated into the Attorney General's budget to maintain an attorney for the expressed purpose of fulfilling that mandate. However, H.B.3 Executive Appropriations Bill placed \$100,000 in the Governor's Office budget with intent language that the Department of Natural Resources shall coordinate this effort with the Governor's Office and the Attorney General's Office. Mr. Shurtleff stated that funding for an attorney would be more appropriate in the Attorney General's Office.

**MOTION:** Rep. Hutchings moved to accept the letter to Senator Blackham and Representative Bigelow that requests that the Executive Appropriations Committee recommend to the Legislature an appropriation of \$15,000, for fiscal year 2002-2003 only, to the Office of the Legislative Fiscal Analyst in order to supervise a study for the Medical Services program within the Department of Corrections. The motion passed unanimously.

Analyst Jonathan Ball presented the Supplemental Recommendations of the Appropriations Subcommittee for Executive Offices and Criminal Justice for the fiscal year ending June 30, 2003. The Analyst stated that this budget included the veto compromises, a statewide cut for information technology savings, and savings due to retirement rate changes. The Supplemental also included a \$350,000 General Fund one- time appropriation to the Attorney General's Office obtained through litigation, and \$38,000 requested by the Department of Corrections to cover the cost of purchasing DNA Specimen sample kits.

Co-Chair Buttars relinquished the chair to Co-Chair Hogue at 3 p.m.

MOTION: Rep. Hogue moved to accept the Supplemental Recommendations of the Appropriations Subcommittee for Executive Offices and Criminal Justice for the Fiscal Year ending June 30, 2003. The motion passed with Sen. Arent and Rep. Daniels voting in opposition with Sen. Buttars absent for the vote.

Co-Chair Buttars resumed the chair at 3:10 p.m.

Analyst Ball presented the Recommendations of the Appropriations Subcommittee for Executive Offices and Criminal Justice for the fiscal year ending June 30, 2004. Changes to that budget included appropriating \$100,000 from the Court Reporter Technology Fund to the Courts Data Processing Department; the Department of Public Safety's request of an additional \$250,000 from the GFR-Fire Academy Support Fund to cover Hazmat operations in the Fire Marshall's Office; and \$41,600 from the GFR-Guardian Ad Litem Services for the CASA Program.

Analyst Ball presented intent language that the Department of Corrections requested be included for Corrections Programs & Operations. The intent language is as follows:

**Corrections - Corrections Programs & Operations**

17. *It is the intent of the Legislature that, if the Department of Corrections is able to reallocate resources internally to fund additional Adult Probation and Parole agents, for every two agents hired, the Legislature grants authority to purchase one vehicle with department funds.*

Analyst Ball presented one additional fee not listed in the Analyst's original recommendation for FY 2004 Rates and Fees. The fee is as follows:

**ISF-Corrections-ISF- Corrections Internal Service Fund**

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|-----|---|----------|
| 60. | Data Processing Service Fee (per device, per month) | \$110.00 |
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MOTION: Sen. Arent moved to move the \$150,000 RS 2477 appropriation from the Governor's Office to the Attorney General's Office and to change the wording in the intent language which would designated that the Attorney General's Office report to the Legislature each General Session, rather than the Governor's Office or his designee. The motion passed with Rep. Bigelow and Rep. Hogue voting in opposition.

MOTION: Rep. Bigelow moved to increase the GFR -Youth Corrections Victims line item of \$500,200 by \$569,100, for a total of \$1,069,300 and increase the Rural Programs of \$18,937,200 by \$569,100 for a total of \$19,506,300.

Co-Chair Buttars moved to saunter for five minutes.

A vote was taken on Rep. Bigelow's motion. The motion failed with Sen. Waddoups, Sen. Buttars, and Rep. Hogue voting in opposition. Rep. Bigelow was absent for the vote.

MOTION: Rep. Dunnigan moved to approve the Recommendations of the Appropriations Subcommittee for Executive Offices & Criminal Justice for the fiscal year ending June 30, 2004. The motion passed with Sen. Arent and Rep. Daniels voting in opposition. Rep. Bigelow was absent for the vote.

MOTION: Rep. Hutchings moved to adopt the intent language, items 1 through 46, pages 4 through 7, as presented in the Recommendations of the Appropriations Subcommittee for Executive Offices & Criminal Justice for the Fiscal Year Ending June 30, 2004 with the exception of items 4 and 5, on page 4. The motion passed unanimously with Rep. Bigelow absent for the vote.

MOTON: Rep. Last moved to adopt the Rates and Fees, items 1 through 60, pages 7 through 9, as presented in the Recommendations of the Appropriations Subcommittee for Executive Offices & Criminal Justice for the Fiscal Year Ending June 30, 2004, and delete the word "Olympic" in item (1) for the Department of Public Safety- Public Safety Programs & Operations to read as follows:

1.	Fingerprints <del>Olympic</del> /Other	10.00
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The motion passed unanimously with Rep. Bigelow absent for vote.

Joe Jenkins, Director of the Division of Facilities Construction and Management, spoke to a proposal that the DFCM sell the state's interest in the Iron County Correction Facility to Iron County for \$1,450,000. Under the proposal, Iron County would pay the state \$1,000,000 in cash; provide office space for the Department of Corrections' Adult Probation and Parole in the Iron County Correction Facility for ten years at no cost to the state of Utah, at an estimated value of \$45,000 per year for a total ten year value of \$450,000; and contract with the Department of Corrections to house 15 state prisoners in the Iron County Facility from beds currently under contract in other counties for at least five years.

Mr. Scott Carver, Director of Institutional Operations for the Department of Corrections spoke to the proposal.

The subcommittee chose not to propose any intent language related to the proposed sale of the Iron County Jail to Iron County.

Analyst Ball presented two intent language options that would clarify the subcommittee's recommendation for the RS 2477 Rights of Way Fund.

MOTION: Rep. Dunnigan moved to adopt the intent language for Option 2 which reads as follows:

**Governor's Office - RS-2477 Line Item:**

GFR - Constitutional Defense	-\$150,000
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*It is the intent of the Legislature that funds expended from RS-2477 Fund be for litigation and other means designated to quiet title to existing rights of way established before 1976 under RS-2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature each General Session detailing activities funded within this line item.*

*It is the intent of the Legislature that funding for the RS-2477 program not lapse.*

**Attorney General - Attorney General Line Item:**

GFR - Constitutional Defense	\$150,000
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*It is the intent of the Legislature that up to \$150,000 provided from the General Fund Restricted-Constitutional Defense account be used to pay for legal services regarding public lands issues involving the state, other than those related to existing right of way established before 1976 under RS-2477 guidelines.*

The motion passed unanimously with Sen. Waddoups and Rep. Bigelow absent for the vote.

Analyst Jonathan Ball discussed a letter from Kevin Walthers to Senator Buttars and Representative Hogue regarding fleet issues for Executive Offices & Criminal Justice. Analyst Ball explained intent language that allows the Department of Public Safety to increase the fleet using federal funds with the stipulation that any vehicle will not be eligible for replacement using the General Fund Borrowing capacity held by the Division of Fleet Operations.

MOTION: Rep. Hutchings moved to adopt the intent language for the Department of Public Safety. The motion passed unanimously with Sen. Waddoups and Rep. Bigelow absent for the vote. The intent language reads as follows:

**Department of Public Safety**

*It is the intent of the Legislature that the Department of Public Safety may increase the fleet if funding is provided through federal aid or other source for special programs or projects. Any expansion vehicle acquired during the interim by the Department shall be reported to the Legislative Fiscal Analyst. It is further the intent of the Legislature that any vehicle acquired under this intent language will not be eligible for replacement using the General Fund Borrowing capacity held by the Division of Fleet Operations.*

MOTION: Rep. Hogue moved to eliminate the potential budget cut of 3 FTE's for the Governor's Office of Planning and Budget, and allow the Governor's Office the flexibility of making the \$123,500 budget cut elsewhere. The motion passed unanimously with Sen. Waddoups and Rep. Bigelow absent for the vote.

MOTION: Rep. Love moved to adjourn. The motion passed unanimously with Sen. Waddoups and Rep. Bigelow absent for the vote.

Co-Chair adjourned the meeting at 5:45 p.m.

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Sen. D. Chris Buttars, Co-Chair

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Rep. David L. Hogue, Co-Chair

